

## **2004 Local Biennial Notice – Attachment**

**Escondido Union School District  
1330 E. Grand Avenue  
Escondido, CA 92027  
760-432-2128**

The following list reflects items noted on our 2004 Local Biennial Notice regarding our conflict of interest policy:

1. On October 23, 2003, the Escondido Union School District Board of Education adopted revised Bylaws of the Board (BB) 9270, Conflict of Interest. Revisions were made according to suggested wording from the California School Boards Association. However, designated positions were incorrectly included as positions that manage public investments. A correction was made to move those positions to Category 1 and approved by our Board on September 9, 2004.
2. One Assistant Superintendent position has been changed to Deputy Superintendent and is reflected in the amended policy adopted September 9, 2004.
3. Revisions were made based on suggested wording from California School Boards Association and adopted by our Board October 23, 2003, and September 9, 2004.

Attached is our current BB 9720, Conflict of Interest, and its Appendix, as approved by our Board of Education on September 9, 2004. Those pages that contained changes are on *green paper*, with deletions indicated by strikeouts and additions/changes indicated in italics.

Also attached (*on yellow paper*) are the amendments that were approved by our Board of Education on October 23, 2003. Deletions are indicated by strikeouts, and additions/changes are indicated in italics.

**CONFLICT OF INTEREST (continued)**

**Financial Interest**

Board members and designated employees shall not be financially interested in any contract made by the board or in any contract they make in their capacity as board members or designated employees. (Government Code 1090)

A board member shall not be considered to be financially interested in a contract if his/her interest includes, but is not limited to, any of the following: (Government Code 1091.5)

1. That of an officer who is being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty
2. That of a recipient of public services generally provided by the public body or board of which he/she is a member, on the same terms and conditions as if he or she were not a member of the board
3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial, or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which even his/her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1091
4. That of a spouse of an officer or employee of the district if his/her spouse's employment or officeholding has existed for at least one year prior to his/her election or appointment
5. That of a nonsalaried member of a nonprofit corporation, provided that such interest is disclosed to the board at the time of the first consideration of the contract, and provided further that such interest is noted in its official records
6. That of a noncompensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the nonprofit board or to which the school board has legal obligation to give particular consideration, and provided further that such interest is noted in its official records

**CONFLICT OF INTEREST (continued)**

7. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the government entity that employs the officer or employee, provided that such interest is disclosed to the board at the time of consideration of the contract, and provided further that such interest is noted in its official records
8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than ten percent in the law practice or firm, stock brokerage firm, insurance firm, or real estate firm

In addition, a board member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor, or creditor. (Government Code 1091.5)

A board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote interest is disclosed during a board meeting and noted in the official board minutes. The affected board member shall not vote or debate on the matter or attempt to influence any other board member to enter into the contract. Remote interests are specified in Government Code 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (Government Code 1091)

A board member may enter into a contract if the rule of necessity or legally required participation applies as defined in Government Code 87101.

Even if there is no prohibited or remote interest, a board member shall abstain from voting on personnel matters that uniquely affect a relative of the board member. A board member may vote, however, on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. "Relative" means an adult who is related to the person by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

**CONFLICT OF INTEREST (continued)**

A relationship within the third degree includes the individual's parents, grandparents and great-grandparents, children, grandchildren and great-grandchildren, brothers, sisters, aunts and uncles, nieces and nephews, and the similar family of the individual's spouse unless the individual is widowed or divorced.

**Gifts**

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the prevailing gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the district for board members and designated employees. (Government Code 89506)

**Honoraria**

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade, or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

**CONFLICT OF INTEREST (continued)**

***APPENDIX***

**DESIGNATED POSITIONS/DISCLOSURE CATEGORIES**

1. Persons occupying the following positions are designated employees in **Category 1:**

Board of Education members  
Superintendent of Schools  
Assistant/Associate/Deputy Superintendent  
Purchasing Agent

Designated persons in this category must report:

- a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district. Such interests include any leasehold, beneficial or ownership interest, or option to acquire such interest in real property.
- b. Investments or business positions in or income from sources which:
  - (1) Are engaged in the acquisition or disposal of real property within the district
  - (2) Are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district or
  - (3) Manufacture or sell supplies, books, machinery, or equipment of the type used by the district

2. Persons occupying the following positions are designated employees in **Category 2:**

Director  
Principal  
Assistant Principal  
Maintenance and Operations Director  
Program Coordinator  
Project Specialist  
Supervisor  
Dean of Students

**CONFLICT OF INTEREST (continued)**

Designated persons in this category must report investments or business positions in or income from sources which:

- a. Are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs, or
  - b. Manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.
3. Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the superintendent or designee. The superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18701)

- a. Approve a rate, rule, or regulation
- b. Adopt or enforce a law
- c. Issue, deny, suspend, or revoke a permit, license, application, certificate, approval, order, or similar authorization or entitlement
- d. Authorize the district to enter into, modify, or renew a contract that requires district approval
- e. Grant district approval to a contract or contract specifications which require district approval and in which the district is a party
- f. Grant district approval to a plan, design, report, study, or similar item
- g. Adopt or grant district approval of district policies, standards, or guidelines

**CONFLICT OF INTEREST (continued)**

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18702.2 or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's conflict of interest code. (2 CCR 18701)

*Legal Reference: (see next page)*

**CONFLICT OF INTEREST (continued)**

*Legal Reference:*

EDUCATION CODE

1006 Qualifications for holding office  
35107 School district employees  
35230-35240 Corrupt practices  
35233 Prohibitions applicable to members of governing boards  
35230 Compensation for board members in districts under 70 ADA

GOVERNMENT CODE

1090-1098 Prohibitions applicable to specified officers  
1125-1129 Incompatible activities  
81000-91015 Political Reform Act of 1974, especially:  
82011 Code reviewing body  
82019 Definition of designated employee  
82028 Definition of gifts  
82030 Definition of income  
87100-87103.6 General prohibitions  
87200-87210 Disclosure  
87300-87313 Conflict of interest code  
87500 Statements of economic interests  
89501-89503 Honoraria and gifts  
91000-91014 Enforcement

CODE OF REGULATIONS, TITLE 2

18110-18997 Regulations of the Fair Political Practices Commission  
18702.5 Public identification of a conflict of interest for Section 87200 filers

COURT DECISIONS

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th. 655  
Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

ATTORNEY GENERAL OPINIONS

86 Ops.Cal.Atty.Gen 138 (2003)  
85 Ops.Cal.Atty.Gen 60 (2002)  
82 Ops.Cal.Atty.Gen. 83 (1999)  
81 Ops.Cal.Atty.Gen. 327 (1998)  
80 Ops.Cal.Atty.Gen. 320 (1997)  
69 Ops.Cal.Atty.Gen. 255 (1986)  
68 Ops.Cal.Atty.Gen. 171 (1985)  
65 Ops.Cal.Atty.Gen. 606 (1982)

*Management Resources:*

WEB SITES

Fair Political Practices Commission: <http://www.fppc.ca.gov>



## **CONFLICT OF INTEREST**

### **Incompatible Activities**

Members of the Board of Education shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with, or inimical to the board member's duties as an officer of the district. (Government Code 1126)

### **Conflict of Interest Code**

The district's conflict of interest code shall be comprised of the terms of 2CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with a district attachment specifying designated positions and the specific types of disclosure statements required for each position.

Upon direction by the code reviewing body, the board shall review the district's conflict of interest code in even-numbered years. If no change in the code is required, the district shall submit by October 1 a written statement to that effect to the code reviewing body. If a change in the code is necessitated by changed circumstances, the district shall submit an amended code to the code reviewing body. (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated by changed circumstances such as the creation of new designated positions, amendments, or revisions, the changed code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing conflict of interest codes, the district shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

If a board member or designated employee determines that he/she has a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed. The member shall be disqualified from voting unless his/her participation is legally required. (2 CCR 18700)

Statements of economic interests submitted to the district by designated employees in accordance with the conflict of interest code shall be available for public inspection and reproduction. (Government Code 81008)

**CONFLICT OF INTEREST (continued)**

**Financial Interest**

Board members and designated employees shall not be financially interested in any contract made by the board or in any contract they make in their capacity as board members or designated employees. (Government Code 1090)

A board member shall not be considered to be financially interested in a contract if his/her interest includes, but is not limited to, any of the following: (Government Code 1091.5)

1. That of an officer who is being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty
2. That of a recipient of public services generally provided by the public body or board of which he/she is a member, on the same terms and conditions as if he or she were not a member of the board
3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial, or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which even his/her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1091
4. That of a spouse of an officer or employee of the district if his/her spouse's employment or officeholding has existed for at least one year prior to his/her election or appointment
5. That of a nonsalaried member of a nonprofit corporation, provided that such interest is disclosed to the board at the time of the first consideration of the contract, and provided further that such interest is noted in its official records
6. That of a noncompensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the nonprofit board or to which the school board has legal obligation to give particular consideration, and provided further that such interest is noted in its official records

**CONFLICT OF INTEREST (continued)**

7. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the government entity that employs the officer or employee, provided that such interest is disclosed to the board at the time of consideration of the contract, and provided further that such interest is noted in its official records
8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than ten percent in the law practice or firm, stock brokerage firm, insurance firm, or real estate firm

In addition, a board member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor, or creditor. (Government Code 1091.5)

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**CONFLICT OF INTEREST (continued)**

A relationship within the third degree includes the individual's parents, grandparents and great-grandparents, children, grandchildren and great-grandchildren, brothers, sisters, aunts and uncles, nieces and nephews, and the similar family of the individual's spouse unless the individual is widowed or divorced.

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The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade, or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

**CONFLICT OF INTEREST (continued)**

***APPENDIX***

**DESIGNATED POSITIONS/DISCLOSURE CATEGORIES**

1. Persons occupying the following positions are designated employees in **Category 1:**

Board of Education members  
Superintendent of Schools  
Assistant/Associate/*Deputy* Superintendent  
Purchasing Agent

Designated persons in this category must report:

- a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district. Such interests include any leasehold, beneficial or ownership interest, or option to acquire such interest in real property.
- b. Investments or business positions in or income from sources which:
  - (1) Are engaged in the acquisition or disposal of real property within the district
  - (2) Are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district or
  - (3) Manufacture or sell supplies, books, machinery, or equipment of the type used by the district

2. Persons occupying the following positions are designated employees in **Category 2:**

Director  
Principal  
Assistant Principal  
Maintenance and Operations Director  
Program Coordinator  
Project Specialist  
Supervisor  
Dean of Students

**CONFLICT OF INTEREST (continued)**

*Legal Reference:*

EDUCATION CODE

- 1006 Qualifications for holding office
- 35107 School district employees
- 35230-35240 Corrupt practices
- 35233 Prohibitions applicable to members of governing boards
- 35230 Compensation for board members in districts under 70 ADA

GOVERNMENT CODE

- 1090-1098 Prohibitions applicable to specified officers
- 1125-1129 Incompatible activities
- 81000-91015 Political Reform Act of 1974, especially:
  - 82011 Code reviewing body
  - 82019 Definition of designated employee
  - 82028 Definition of gifts
  - 82030 Definition of income
- 87100-87103.6 General prohibitions
- 87200-87210 Disclosure
- 87300-87313 Conflict of interest code
- 87500 Statements of economic interests
- 89501-89503 Honoraria and gifts
- 91000-91014 Enforcement

CODE OF REGULATIONS, TITLE 2

- 18110-18997 Regulations of the Fair Political Practices Commission
- 18702.5 Public identification of a conflict of interest for Section 87200 filers

COURT DECISIONS

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- 86 Ops.Cal.Atty.Gen 138 (2003)
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- 82 Ops.Cal.Atty.Gen 83 (1999)
- 81 Ops.Cal.Atty.Gen 327 (1998)
- 80 Ops.Cal.Atty.Gen 320 (1997)
- 69 Ops.Cal.Atty.Gen 255 (1986)
- 68 Ops.Cal.Atty.Gen 171 (1985)
- 65 Ops.Cal.Atty.Gen 606 (1982)

*Management Resources:*

WEB SITES

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Changes Board approved  
9/9/04

## Bylaws of the Board

BB 9270(a)

### CONFLICT OF INTEREST

#### Incompatible Activities

Members of the Board of Education shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with, or inimical to the board member's duties as an officer of the district. (Government Code 1126)

#### Conflict of Interest Code

The district's conflict of interest code shall be comprised of the terms of ~~California Code of Regulations, Title 2, Section 2~~CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with a district attachment specifying designated positions and the specific types of disclosure statements required for each position.

Upon direction by the code reviewing body, the board shall review the district's conflict of interest code in even-numbered years. If no change in the code is required, the district shall submit by October 1 a written statement to that effect to the code reviewing body. If a change in the code is necessitated by changed circumstances, the district shall submit an amended code to the code reviewing body. (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated by changed circumstances such as the creation of new designated positions, amendments, or revisions, *the changed code* shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing conflict of interest codes, the district shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

If a board member or designated employee determines that he/she has a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed. The member shall be disqualified from voting unless his/her participation is legally required. (2 CCR 18700)

Statements of economic interests submitted to the district by designated employees in accordance with the conflict of interest code shall be available for public inspection and reproduction. (Government Code 81008)

CONFLICT OF INTEREST (continued)

**APPENDIX**

**DESIGNATED POSITIONS/DISCLOSURE CATEGORIES**

~~It has been determined that persons occupying the following positions manage public investments and shall file a full statement of economic interests pursuant to Government Code 87200:~~

~~—— Board of Education members~~

~~—— Superintendent of Schools~~

1. Persons occupying the following positions are designated employees in **Category 1:**

*Board of Education members*

*Superintendent of Schools*

*Assistant/Associate Superintendent/Deputy Superintendent*

*Purchasing Agent*

Designated persons in this category must report:

- a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district. Such interests include any leasehold, beneficial or ownership interest, or option to acquire such interest in real property.
- b. Investments or business positions in or income from sources which:
  - (1) Are engaged in the acquisition or disposal of real property within the district
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  - (3) Manufacture or sell supplies, books, machinery, or equipment of the type used by the district



**CONFLICT OF INTEREST** (continued)

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*Management Resources:*

WEB SITES

Fair Political Practices Commission: <http://www.fppc.ca.gov>

# Escondido Union

## Board Bylaw

BB 9270  
Board Bylaws

Conflict Of Interest

Incompatible Activities

Members of the Board of Education shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with, or inimical to the board member's duties as an officer of the district. (Government Code 1126)

Conflict of Interest Code

~~Board members are subject to the same conflict of interest provisions that apply to other public officials.~~

~~Board members and designated employees shall adhere to the district's conflict of interest code adopted pursuant to the provisions of Government Code 87300. This code shall comprise the terms of the California Code of Regulations, Title 2, Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, together with a district attachment specifying designated positions and the specific types of disclosure required for each position.~~

~~Board members and designated employees shall submit statements of economic interests to the district in accordance with requirements of the conflict of interest code. These statements shall be available for public inspection and reproduction. (Government Code 81008) Upon receiving the statements of board members and the superintendent, the district shall make and retain a copy and shall forward the original to the code reviewing body.~~

~~If a board member or designated employee determines that he/she has a financial interest in a decision, he/she must consult and review the most current district conflict of interest code as set forth in the California Code of Regulations, Title 2 Section 18730, Subsection (10), as amended, and which provides, "the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor."~~

*The district's conflict of interest code shall comprise of the terms of California Code of*

*Changes Board approved*  
COUNTY OF SAN DIEGO  
CLERK OF SUPERVISORS  
2004 SEP 23 AM 9:09  
JAMES J. BETHUNE  
CLERK OF THE BOARD  
OF SUPERVISORS

*Regulations, Title 2, Section 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with a district attachment specifying designated positions and the specific types of disclosure statements required for each position.*

*Upon direction by the code reviewing body, the board shall review the district's conflict of interest code in even-numbered years. If no change in the code is required, the district shall submit by October 1 a written statement to that effect to the code reviewing body. If a change in the code is necessitated by changed circumstances, the district shall submit an amended code to the code reviewing body. (Government Code 87306.5)*

*When a change in the district's conflict of interest code is necessitated by changed circumstances such as the creation of new designated positions, amendments or revisions shall be submitted to the code reviewing body within 90 days. (Government Code 87306)*

*When reviewing and preparing conflict of interest codes, the district shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)*

*The board shall review the district's conflict of interest code in even-numbered years and send the code reviewing body either an amended code, or by October 1 of that year, a statement to the effect that no change is necessary. (Government Code 87306.5)*

*If a board member or designated employee determines that he/she has a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed. The member shall be disqualified from voting unless his/her participation is legally required. (2 CCR 18700)*

*Statements of economic interests submitted to the district by designated employees in accordance with the conflict of interest code shall be available for public inspection and reproduction. (Government Code 81008)*

#### **Financial Interest**

*Board members and designated employees shall not be financially interested financially in any contract made by the board or in any contract they make in their capacity as board members or designated employees. All applicable provisions of law should be consulted when a member's financial interest may be at issue, including Government Code Section 1090 and following. Determining that a financial interest is remote and inapplicable also requires consideration of applicable laws. (Government Code 1090)*

*A board member shall not be considered to be financially interested in a contract if any of the exceptions apply as set forth in Government Code 1091.5. his/her interest includes, but is not limited to, any of the following: (Government Code 1091.5)*

- 1. That of an officer who is being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty*

2. *That of a recipient of public services generally provided by the public body or board of which he/she is a member, on the same terms and conditions as if he or she were not a member of the board*
3. *That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which even his/her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1091*
4. *That of a spouse of an officer or employee of the district if his/her spouse's employment or officeholding has existed for at least one year prior to his/her election or appointment*
5. *That of a nonsalaried member of a nonprofit corporation, provided that such interest is disclosed to the board at the time of the first consideration of the contract, and provided further that such interest is noted in its official records*
6. *That of a noncompensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the nonprofit board or to which the school board has legal obligation to give particular consideration, and provided further that such interest is noted in its official records*
7. *That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the government entity that employs the officer or employee, provided that such interest is disclosed to the board at the time of consideration of the contract, and provided further that such interest is noted in its official records*
8. *That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm*

~~A board member shall not be deemed to be interested financially in a contract between his/her spouse and the district provided the contract concerns the same employment as that held by the spouse when the board member was elected or appointed, and provided the spouse has been employed by the district in that same position for at least one year~~

~~prior to the board member's election or appointment. (Government Code 1091.5(a)(6) and 69 Ops. Cal. Atty. Gen. 255)~~

*In addition, a board member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (Government Code 1091.5)*

~~In addition,~~ A board member shall not be deemed to be financially interested financially in a contract if he/she has only a remote interest in the contract as ~~defined or determined by law~~, and if the remote interest is disclosed during a board meeting and noted in the official board minutes. The affected board member shall not vote or debate on the matter or attempt to influence any other board member to enter into the contract. Remote interests are specified in Government Code 1091(b); they include, *but are not limited to*, the interest of a parent in the earnings of his/her minor child. (Government Code 1091)

~~If a board member or designated employee determines that he/she has a financial interest in a decision, this determination shall be disclosed and made part of the board's official minutes. In the case of a designated employee, this announcement shall be made in writing and submitted to the board. (Code of Regulations, Title 2, Section 18700)~~

*A board member may enter into a contract if the rule of necessity or legally required participation applies as defined in Government Code 87101.*

*Even if there is no prohibited or remote interest, a board member shall abstain from voting on personnel matters that uniquely affect a relative of the board member. A board member may vote, however, on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. "Relative" means an adult who is related to the person by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)*

*A relationship within the third degree includes the individual's parents, grandparents and great-grandparents, children, grandchildren and great-grandchildren, brothers, sisters, aunts and uncles, nieces and nephews, and the similar family of the individual's spouse unless the individual is widowed or divorced.*

## Gifts

~~Except as reimbursement for actual travel expenses and reasonable related subsistence, board members and designated employees shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interest. (Government Code 89503)~~

*Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.*

The ~~above~~ limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the ~~above~~ limitations prevailing gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the district for board members and designated employees. (Government Code 89506)

#### *Honoraria*

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, *in accordance with law.* (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade or profession unless the sole or predominant activity of the business, trade, or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

#### *APPENDIX*

##### *DESIGNATED POSITIONS/DISCLOSURE CATEGORIES*

*It has been determined that persons occupying the following positions manage public investments and shall file a full statement of economic interests pursuant to Government Code 87200 :*

*Board of Education Members  
Superintendent of Schools*

1. *Persons occupying the following positions are designated employees in Category 1:*

*Assistant/Associate Superintendent*

*Purchasing Agent*

*Designated persons in this category must report:*

- a. *Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries or of any land owned or used by the district. Such interests include any leasehold, beneficial or ownership interest or option to acquire such interest in real property.*
- b. *Investments or business positions in or income from sources which:*
  - (1) *Are engaged in the acquisition or disposal of real property within the district*
  - (2) *Are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district or*
  - (3) *Manufacture or sell supplies, books, machinery or equipment of the type used by the district*

2. *Persons occupying the following positions are designated employees in Category 2:*

*Director  
Principal  
Assistant Principal  
Maintenance and Operations Director  
Program Coordinator  
Project Specialist  
Supervisor  
Dean of Students*

*Designated persons in this category must report investments or business positions in or income from sources which:*

- a. *Are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs, or*
- b. *Manufacture or sell supplies, books, machinery or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.*

- a. *Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the superintendent or designee. The superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.*

*A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18701)*

- a. *Approve a rate, rule or regulation*
- b. *Adopt or enforce a law*
- c. *Issue, deny, suspend or revoke a permit, license, application, certificate, approval, order or similar authorization or entitlement*
- d. *Authorize the district to enter into, modify or renew a contract that requires district approval*
- e. *Grant district approval to a contract or contract specifications which require district approval and in which the district is a party*
- f. *Grant district approval to a plan, design, report, study or similar item*
- g. *Adopt or grant district approval of district policies, standards or guidelines*

*A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18702.2 or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's Conflict of Interest Code. (2 CCR 18701)*

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office

35107 School district employees

35230-35240 Corrupt practices

35233 Prohibitions applicable to members of governing boards

GOVERNMENT CODE

1090-1098 Prohibitions applicable to specified officers

1125-1129 Incompatible activities



81000-91015 Political Reform Act of 1974, especially:

82011 Code reviewing body

82019 Definition of designated employee

82028 Definition of gifts

82030 Definition of income

~~82033 Definition of "Interest in real property"~~

~~82034 Definition of "Investment"~~

87100-87103.6 General prohibitions

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

89501-89503 Honoraria and gifts

~~89506 Travel payments, advances and reimbursements~~

91000-91015 ~~91014~~ Enforcement

#### CODE OF REGULATIONS, TITLE 2

*18110-18997 Regulations of the Fair Political Practices Commission*

~~18100 et seq. Regulations of the Fair Political Practices Commission~~

#### COURT DECISIONS

*Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th. 655*

*Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511*

#### ATTORNEY GENERAL OPINIONS

*82 Ops.Cal.Atty.Gen. 83 (1999)*

*81 Ops.Cal.Atty.Gen. 327 (1998)*

*80 Ops.Cal.Atty.Gen. 320 (1997)*

*69 Ops.Cal.Atty.Gen. 255 (1986)*

*68 Ops.Cal.Atty.Gen. 171 (1985)*

*65 Ops.Cal.Atty.Gen. 606 (1982)*

#### Management Resources:

##### WEB SITES

*Fair Political Practices Commission: <http://www.fppc.ca.gov>*

(6/98 11/99) 7/01

#### Bylaw ESCONDIDO UNION SCHOOL DISTRICT

adopted: December 4, 1989 Escondido, California

revised: February 9, 1995

revised: November 14, 1996

revised: May 20, 1997

revised: August 5, 1997 (pgs. h and i of exhibit)

# Escondido Union

## Exhibit

E 9270

(Delete Exhibit per CSBA)

### Board Bylaws

#### ~~Conflict Of Interest~~

~~Regulations of the Fair Political Practices Commission Title 2, Division 6 of the California Code of Regulations~~

#### ~~18730. Provisions of Conflict of Interest Codes~~

~~(a) Incorporation by reference of the terms of this regulation, along with the designation of employees and the formulation of disclosure categories in the appendix referred to below, constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code 87300 or the amendment of a conflict of interest code within the meaning of Government Code 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code 81000 et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code 87100, and to other state or local laws pertaining to conflicts of interest.~~

~~(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:~~

#### ~~(1) Section 1. Definitions.~~

~~The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Code of Regulations, Title 2, Section 18100 et seq.), and any amendments to the act or regulations, are incorporated by reference into this conflict of interest code.~~

#### ~~(2) Section 2. Designated Employees.~~

~~The persons holding positions listed in the appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which foreseeably may have a material effect on financial interests.~~

#### ~~(3) Section 3. Disclosure Categories.~~

~~This code does not establish any disclosure obligation for those designated employees~~

who are specified also in Government Code 87200 if they are designated in this code in that same capacity, or if the geographical jurisdiction of this agency is the same as, or is wholly included within, the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code 87200 et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) — The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) — The disclosure assigned in the code of the other agency is the same as that required under Article 2 of Chapter 7 of the Political Reform Act, Government Code 87200; and

(C) — The filing officer is the same for both agencies.<sup>1/</sup>

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his/her statement of economic interests those financial interests he/she has which are of the kind described in the disclosure categories to which he/she is assigned in the appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he/she foreseeably can affect materially through the conduct of his/her office.

(4) — Section 4. Statements of Economic Interests: Place of Filing.

— The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.<sup>2/</sup>

— <sup>1/</sup> Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code 81004.

— <sup>2/</sup> See Government Code 81010 and the Code of Regulations, Title 2, Section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

~~(5) — Section 5. Statements of Economic Interests: Time of Filing.~~

~~(A) — Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated, and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code.~~

~~(B) — Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to state Senate confirmation, 30 days after being nominated or appointed.~~

~~(C) — Annual Statements. All designated employees shall file statements no later than April 1.~~

~~(D) — Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.~~

~~(5.5) — Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.~~

~~Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he/she did not make or participate in the making of, or use his/her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his/her appointment. Such persons shall not file either an assuming or leaving office statement.~~

~~(A) — Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:~~

~~(1) — File a written resignation with the appointing power; and~~

~~(2) — File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he/she did not make, participate in making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.~~

~~(6) — Section 6. Contents of and Period Covered by Statements of Economic Interests.~~

~~(A) — Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property, and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.~~

~~(B) — Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property, and business~~

~~positions held on the date of assuming office or, if subject to state Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.~~

~~(C) — Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income, and business positions held or received during the previous calendar year provided; however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.~~

~~(D) — Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income, and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.~~

~~(7) — Section 7. Manner of Reporting.~~

~~Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:~~

~~(A) — Investments and Real Property Disclosure. When an investment or an interest in real property<sup>3/</sup> is required to be reported,<sup>4/</sup> the statement shall contain the following:~~

- ~~1. — A statement of the nature of the investment or interest;~~
- ~~2. — The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;~~
- ~~3. — The address or other precise location of the real property;~~
- ~~4. — A statement whether the fair market value of the investment or interest in real property exceeds \$1,000, exceeds \$10,000, or exceeds \$100,000.~~

~~— (B) — Personal Income Disclosure. When personal income is required to be reported,<sup>5/</sup> the statement shall contain:~~

- ~~1. — The name and address of each source of income aggregating \$250 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;~~
- ~~2. — A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, or greater than \$10,000;~~

~~— <sup>3/</sup> For the purpose of disclosure only (not disqualification), an interest in real~~

property does not include the principal residence of the filer.

~~4/ Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children, as well as a pro-rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse, and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.~~

~~5/ A designated employee's income includes his/her community property interest in the income of his/her spouse but does not include salary or reimbursement for expenses received from a state, local, or federal government agency.~~

3. ~~A description of the consideration, if any, for which the income was received;~~

4. ~~In the case of a gift, the name, address, and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;~~

5. ~~In the case of a loan, the annual interest rate and the security, if any, given for the loan.~~

(C) ~~Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,~~<sup>6/</sup> ~~the statement shall contain:~~

1. ~~The name, address, and a general description of the business activity of the business entity;~~

2. ~~The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.~~

~~(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he/she is a director, officer, partner, trustee, employee, or in which he/she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.~~

~~(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.~~

~~6/ Income of a business entity is reportable if the direct, indirect, or beneficial~~

interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

~~(8) — Section 8. Prohibition on Receipt of Honoraria.~~

~~(A) — No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests.~~

~~This section shall not apply to any part time member of the governing board of any public institution of higher education, unless the member is also an elected official.~~

~~Subdivisions (a), (b), and (c) of Government Code 89501 shall apply to the prohibitions in this section. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code 89506.~~

~~(8.1) — Section 8.1. Prohibition on Receipt of Gifts of \$300 or More.~~

~~(A) — No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$300 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. This section shall not apply to any part time member of the governing board of any public institution of higher education, unless the member is also an elected official.~~

~~Subdivisions (e), (f), and (g) of Government Code 89503 shall apply to the prohibitions in this section.~~

~~(9) — Section 9. Disqualification.~~

~~No designated employee shall make, participate in making, or in any way attempt to use his/her official position to influence the making of any governmental decision which he/she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his/her immediate family or on:~~

~~\_\_\_\_\_ (A) — Any business entity in which the designated employee has a direct or indirect investment worth \$1,000 or more;~~

~~\_\_\_\_\_ (B) — Any real property in which the designated employee has a direct or indirect interest worth \$1,000 or more;~~

~~———— E 9270(h)~~

~~———— (C) — Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$250 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;~~

~~———— (D) — Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position or management; or~~

~~———— (E) — Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$300 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.~~

~~———— (9.3) — Section 9.3. Legally Required Participation.~~

~~No designated employee shall be prevented from making or participating in the making of any decision to the extent his/her participation is required legally for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his/her participation legally required for purposes of this section.~~

~~(10) — Section 10. Manner of Disqualification.~~

~~When a designated employee determines that he/she should not make a governmental decision because he/she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his/her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.~~

~~———— (11) Section 11. Assistance of the Commission and Counsel.~~

~~Any designated employee who is unsure of his/her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code 83114 or from the attorney for his/her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.~~

~~(12) Section 12. Violations.~~

~~This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal, and civil sanctions provided in the Political Reform Act, Government Code 81000-91015. In addition, a decision in relation~~



to which a violation of the disqualification provisions of this code or of Government Code 87100 or 87450 has occurred may be set aside as void pursuant to Government Code 91003.

Authority: Government Code 83112

Reference: Government Code 87300 87302, 89501, 89502, 89503

#### ATTACHMENT

##### Designated Positions and Disclosure Requirements

1. ~~Persons occupying the following positions are designated employees in Category 1:~~

Members of the Board of Education  
Superintendent

~~Designated persons in this category must report:~~

- a. ~~All inclusive Reportable Investments~~
- b. ~~All inclusive Reportable Interests in Real Property~~
- c. ~~All inclusive Reportable Income~~

2. ~~Consultants are designated employees who must disclose financial interests as determined on a case by case basis by the superintendent or designee. The superintendent's or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.~~

~~A consultant is an individual who, pursuant to a contract with the district, makes any of several specified governmental decisions or serves in a staff capacity with the district, performing the same or substantially the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's conflict of interest code. Consultants are individuals who decide to: (Code of Regulations, Title 2, Section 18700)~~

- a. ~~Approve a rate, rule, or regulation;~~
- b. ~~Adopt or enforce a law;~~
- c. ~~Issue, deny, suspend, or revoke a permit, license, application, certificate, approval, order, or similar authorization or entitlement;~~
- d. ~~Authorize the district to enter into, modify, or renew a contract that requires~~

district approval;

e. ~~Grant district approval to a contract or contract specifications which require district approval and in which the district is a party;~~

f. ~~Grant district approval to a plan, design, report, study, or similar item; or~~

g. ~~Adopt or grant district approval of district policies, standards or guidelines.~~

~~ESCONDIDO UNION SCHOOL DISTRICT~~

~~August 5, 1997 Escondido, California~~

*Current Bylaws Board approved 9/9/04*

## **Bylaws of the Board**

COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS  
BB 9270(a)

2004 SEP 23 AM 9:09

THOMAS J. P. KUCSEKA  
CLERK OF THE BOARD  
OF SUPERVISORS

## **CONFLICT OF INTEREST**

### **Incompatible Activities**

Members of the Board of Education shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with, or inimical to the board member's duties as an officer of the district. (Government Code 1126)

### **Conflict of Interest Code**

The district's conflict of interest code shall be comprised of the terms of 2CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with a district attachment specifying designated positions and the specific types of disclosure statements required for each position.

Upon direction by the code reviewing body, the board shall review the district's conflict of interest code in even-numbered years. If no change in the code is required, the district shall submit by October 1 a written statement to that effect to the code reviewing body. If a change in the code is necessitated by changed circumstances, the district shall submit an amended code to the code reviewing body. (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated by changed circumstances such as the creation of new designated positions, amendments, or revisions, the changed code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing conflict of interest codes, the district shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

If a board member or designated employee determines that he/she has a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed. The member shall be disqualified from voting unless his/her participation is legally required. (2 CCR 18700)

Statements of economic interests submitted to the district by designated employees in accordance with the conflict of interest code shall be available for public inspection and reproduction. (Government Code 81008)